

Notice of Allowability

Application No.

10/627,470

Examiner

Vickey Ronesi

Applicant(s)

KROKER ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/22/06.
2. ☒ The allowed claim(s) is/are 1-6 and 8-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>5/3/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Hedden on 5/3/2006.

The application has been amended as follows:

In the specification:

Replace the title with the following title: "Cold-Box Binders Containing an Epoxy Resin, Acrylate, and Butyl Tallate".

In the claims:

In claim 1, line 1, delete the phrase "will cure".

In claim 1, line 9 (part d), delete the phrase "an effective amount".

In claim 1, in the last line of the claim, replace the word "binder" with --the binder system--.

In claim 2, line 2, delete the first "wherein the" phrase.

In claim 8, starting on line 2, replace the phrase "40 to 65 weight percent; the amount of multifunctional acrylate is from 5 to 30 weight percent; the amount of butyl tallate is from 5 to 25 weight percent; and the amount of free radical initiator is from 15 to 20 weight percent" with

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--40 to 65 parts by weight; the amount of acrylate is from 5 to 30 parts by weight; the amount of butyl tallate is from 5 to 25 parts by weight; and the amount of peroxide is from 15 to 20 parts by weight--.

Statement of Reasons for Allowance

The present claims are allowable over the closest prior art, Woodson et al '567 (US 6,604,567), Woodson '576 (US 4,806,576), and Kwasniok et al (DE 1972-7540), for the following reasons:

The present claims are drawn to a foundry binder system comprising an epoxy resin, an acrylate, butyl tallate, and peroxide.

Woodson et al '567 discloses a foundry binder system comprising an epoxy resin, an acrylate, peroxide, and optionally a solvent such as butyl tallate. Given that butyl tallate is an optional ingredient selected from a list of esters derived from natural oils which themselves are part of another list of solvents, Woodson et al '567 does not anticipate the present claims, as was argued by applicant. Note that a 35 USC 103(a) rejection over Woodson et al '567 was overcome by a statement of common ownership at the time invention by David Hedden in the declaration filed under 37 CFR 1.132 filed 8/1/2005.

Woodson '576 discloses a foundry binder system comprising an epoxy resin, an acrylate, and peroxide, however, it fails to teach butyl tallate. Kwasniok et al does not cure this deficiency since it only discloses the use of methyl-, ethyl-, or propyl-esters of oleic acid. Furthermore, applicant has established improved properties for foundry binder systems containing butyl tallate (Tables I to III on page 14-15 of applicant's specification).

Thus, it is clear that Woodson et al '567, Woodson '576, and Kwasniok et al do not disclose or suggest the claimed invention.

Further, it is noted that applicant's filing of a terminal disclaimer filed on the date 12/27/2005 overcomes the double patenting rejection of record. The terminal disclaimer filed on 12/27/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. patent No. 6,604,567 has been reviewed and is accepted. The terminal disclaimer has been recorded.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/3/2006
Vickey Ronesi




VASU JAGANNATHAN
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